

National Milk Producers Federation

National Milk Producers Federation • 2101 Wilson Blvd., Arlington, VA 22201 • 703-243-6111 FAX 703-841-9328

Agri-Mark, Inc.
Arkansas Dairy Cooperative Association
Associated Milk Producers, Inc.
California Dairies, Inc.
Cass-Clay Creamery, Inc.
Continental Dairy Products, Inc.
Cooperative Milk Producers Assn.
Dairy Farmers of America, Inc.
Dairymen's Marketing Cooperative, Inc.
Dairylea Cooperative Inc.
Ellsworth Cooperative Creamery
Farmers Cooperative Creamery
First District Association
Foremost Farms USA
Just Jersey Cooperative, Inc.
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Land O'Lakes, Inc.
Lone Star Milk Producers, Inc.
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MD & VA Milk Producers Cooperative Association, Inc.
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Mid-West Dairymen's Company
Niagara Milk Cooperative, Inc.
Northwest Dairy Association
Prairie Farms Dairy, Inc.
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Scioto County Co-op Milk Producers' Assn.
Select Milk Producers, Inc.
Southeast Milk, Inc.
Swiss Valley Farms, Co.
Tillamook County Creamery Assn.
United Dairymen of Arizona
Upstate Farms Cooperative Inc.
Zia Milk Producers

Mark Bradley, Associate Deputy Administrator
Transportation & Marketing Programs
National Organic Program
1400 Independence Ave., SW.
Room 4008—So., Ag Stop 0268
Washington, DC 20250

June 12, 2006

RE: National Organic Program – Access to Pasture, Advanced Notice of Proposed Rulemaking, Docket Number TM–05–14

Dear Mr. Bradley:

The National Milk Producers Federation (NMPF) is submitting the following comments to the United States Department of Agriculture's (USDA) National Organic Program (NOP) – Access to Pasture Advanced Notice of Proposed Rulemaking (ANPR), Docket Number TM–05–14. The National Milk Producers Federation, based in Arlington, VA, develops and carries out policies that advance the well-being of U.S. dairy producers and the cooperatives they collectively own. The members of NMPF's 34 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of nearly 50,000 dairy producers on Capitol Hill and with government agencies.

Many of the member cooperatives of NMPF and their dairy farmers are producing or have expressed an interest in producing organic milk. In addition, many of the manufacturing facilities owned by NMPF members are processing or have expressed an interest in manufacturing organic dairy products. Therefore, this ANPR on access to pasture for the National Organic Program is of great interest to NMPF.

NMPF supports NOP regulations for access to pasture which are size-neutral thereby allowing any dairy producer the opportunity to become an organic milk producer if so desired. NMPF believes that the current NOP regulations for access to pasture are adequate for dairy livestock under the principles of organic livestock production and management. Prior to NOP regulations, many individual state programs existed with varying degrees of regulation and oversight, for the production and processing of organic products which caused confusion for both consumers and producers. NOP

Jerry Kozak, President/Chief Executive Officer

Charles Beckendorf, Chairman

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regulations have provided producers across the country with an equitable playing field and consumers with a consistent supply of organic products.

NMPF recognizes that the NOP has created uniformity in organic production and processing. This national program enables any dairy producer or dairy products manufacturer to participate in an organic certification program and comply with the regulations. Ultimately, this national program protects the consumer who purchases these products by providing regulations that must be followed. Strong enforcement of the program's regulatory provisions are necessary to ensure that everyone involved in producing, manufacturing, and selling organic products is regulated under the same rules.

NMPF believes that current regulations related to pasture access provide dairy producers, dairy product manufacturers, and consumers clear measures necessary for the production of organic milk. To that end, current NOP regulations are clearly delineated so that dairy producers can accurately assess whether the three-year transition from traditional to organic milk production is appropriate for their individual farm. For those dairy producers who have opted to produce organic milk and have completed the three-year transition, changes in regulations could dramatically disrupt the availability of organic milk products for those consumers who desire them.

Access to pasture has been carefully examined by the National Organics Standards Board (NOSB) numerous times over the past decade. There is definitively no basis within scientific peer-reviewed literature to support a minimum amount of time or minimum amount of dry matter intake for dairy cattle derived from pasture.¹ Nutrient requirements of dairy cattle are a function of physical (milk production, reproductive status, exercise, growth, etc.) and environmental (temperature, humidity, wind speed, etc.) factors which must be met through a combination of feeds (which can range from all pasture to all conserved feeds). An arbitrary imposition of 120 days access or 30 percent of dry matter intake from pasture does not guarantee that the nutrient requirements of the dairy animal will be met. Rather, flexibility in feeding systems must be allowed in the NOP to ensure that dairy cattle nutrient needs can be met to maintain the health and productivity of the animal.

Current pasture access regulations allow for some necessary flexibility in organic production and should be maintained. Potential exists to, in the guise of access to pasture, limit organic milk production by farm size or geographic regions. For example, northern states in the U.S. (including four of the top five milk producing states: Wisconsin, Minnesota, New York, and Pennsylvania) experience growing and weather conditions that may prohibit access to pasture for periods extending up to and beyond 180 consecutive days. If a regulation is developed to require a specific level of daily pasture consumption, dairy producers in these areas would be unable to meet organic standards. These concerns are not different from many of the comments the

¹ National Research Council. 2001. Nutrient Requirements of Dairy Cattle, Seventh Revised Edition. Washington, DC: National Academies Press.

NosB received from organic dairy producers in response to the February 2005 recommendations to amend access to pasture requirements.

Just as current NOP regulations provide necessary flexibility in geographic location of organic dairy production, the current pasture access regulations are size-neutral which allows any dairy producer the opportunity to choose an organic production process. Arbitrary imposition of new pasture requirements not founded in science will not result in clearer and more consistent regulations, and will not stimulate growth of the organic sector because a portion of the dairy producer community will be excluded from the opportunity to choose to produce organic milk. NMPF does not believe that altering NOP pasture access regulations which restrict opportunity for dairy producers to choose organic production is in the spirit of the NOP.


With a growing demand for organic dairy products which currently outpaces increases in supply coupled with the three-year process to transition from traditional to organic production, any changes that organic regulations could restrict current or future volumes of organic milk available in the market. A first result, a consequence of less supply combined with more demand, would be an increase in price of organic dairy products to the consumer. A second result of constricting the available organic milk supply is the incentive/opportunity to source organic dairy product needs other than domestically. Loss of our domestic market opportunities for organic dairy products to imported sources, for which we would likely have less understanding of the conditions under which those products were produced or processed than we have of our domestically sourced organic milk production, does not seem to be in the spirit of organic production. History would tell us that recovering domestic sales lost to imported sources is very difficult.

NMPF believes care must be used in defining any new or revised organic regulation. As issues pertaining to food safety are discussed (e.g., animal health, food processing), the appearance that conventional products are not as safe as organic products must be avoided. It must be stressed that the Food and Drug Administration (FDA) and USDA ensure the safety of the entire U.S. food supply through their individual enforcement activities. Organic regulations and any associated labeling must not either directly, or by implication, undermine current regulations promulgated by FDA and USDA as to their adequacy in protecting the public health.

To reiterate, NMPF believes that current regulations related to pasture access provide dairy producers, dairy product manufacturers, and consumers clear measures necessary for the production of organic milk. Suggested requirements for pasture access are not supported by peer-reviewed scientific literature. As such, changing pasture access regulations could serve as a disincentive for dairy producers to commit to the three-year transition process to supply the growing consumer demand for organic dairy products. Thusly, a possibility of restricting supply for the burgeoning consumer demands would likely increase cost to the consumer.

Thank you for the opportunity to submit these comments. The dairy industry looks forward to participating in the future with the further development of organic regulations. If you have any questions about these comments, please contact me.

Sincerely,

A handwritten signature in purple ink, reading "Jamie S. Jonker". The signature is written in a cursive, flowing style.

Jamie S. Jonker, Ph.D.
Director, Regulatory Affairs